#### CITIZEN TRADE POLICY COMMISSION DRAFT AGENDA

Friday, March 9, 2012 at 9:30 A.M. Room 220, Burton M. Cross State Office Building Augusta, Maine

9:30 am Meeting called to order

- I. Welcome and introductions
- II. Review of Legislative Resolution and letter sent to USTR regarding need for transparency, appropriate protection of state sovereignty and adequate congressional review in trade treaty negotiations
- III. News articles of interest;
  - Australia's opposition to inclusion of investor-state dispute settlement (ISDS) clauses in the Trans-Pacific Partnership Agreement (TPPA)
  - TPPA discussion on new members
  - U.S. position on footwear tariffs in TPPA
  - Pharmaceutical reimbursement being negotiated in TPPA
  - U.S.- Vietnam Bilateral talks on goods market access
- IV. Possible CTPC comment to USTR regarding proposed changes in the Rules of Origin under the Dominican Republic- Central America- United States Free Trade Agreement (CAFTA-DR) (April 17<sup>th</sup> deadline)
- V. Opportunity for written comment to the U.S. House of Representatives, Committee on Ways and Means regarding President Obama's Trade Policy Agenda (March 15<sup>th</sup> deadline)
- VI. CTPC Assessment: TPPA
  - A. Bi-annual assessment:
    - Discussion of proposed assessment structure
    - Discussion of potential contractors to conduct the assessment
    - Timeline for completion
- VII. Proposed next meeting date and suggestions for agenda topics

Adjourn

# JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE CONGRESS OF THE UNITED STATES TO IMPROVE THE PROCESS USED TO NEGOTIATE AND APPROVE INTERNATIONAL TRADE AGREEMENTS

Your Memorialists, the Members of the One Hundred and Twenty-fifth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the President of the United States and the Congress of the United States as follows:

WHEREAS, the State of Maine strongly supports international trade when fair rules of trade are in place and seeks to be an active participant in the global economy in order to encourage meaningful transparency, appropriately acknowledge the vitally important role of state sovereignty, and to afford more meaningful Congressional review and acceptance; and

WHEREAS, the State of Maine seeks to maximize the benefits and minimize any negative impacts of international trade; and

WHEREAS, existing trade agreements have impacts that extend significantly beyond the bounds of traditional trade matters such as tariffs and quotas and can undermine Maine's constitutionally guaranteed authority to protect the public health, safety, welfare and regulatory authority; and

WHEREAS, a succession of federal trade negotiators from both political parties over the years have failed to operate in a transparent manner and have failed to meaningfully consult with states on the far-reaching impact of trade agreements on state and local laws, even when binding the State of Maine to the terms of these agreements; and

WHEREAS, existing trade agreements have not done enough to ensure a level playing field for Maine workers and businesses or to include meaningful human rights, labor and environmental standards, which hart Maine businesses, workers and communities; and WHEREAS, the negative impact of existing trade agreements on Maine's constitutionally

WHEREAS, the negative impact of existing trade agreements on Maine's constitutionally guaranteed authority to protect the public health, safety, welfare and regulatory authority has occurred in part because United States trade policy has been formulated and implemented in a process which lacks transparency, fails to properly recognize the principles of state sovereignty and is significantly lacking in any meaningful opportunity for congressional review and acceptance; and

WHEREAS, the United States Trade Authority is currently negotiating the terms of a proposed Trans-Pacific Partnership Agreement which will have a significant impact upon the citizens and commerce of the State of Maine; and

WHEREAS, there is a current opportunity for improving the process by which significant foreign trade policy agreements such as the Trans-Pacific Partnership Agreement are negotiated, therefore, be it

RESOLVED that We, your Memorialists, respectfully urge and request the President of the

United States and the Congress of the United States improve the process by which United States trade agreements are developed and implemented in order to encourage meaningful transparency and appropriately acknowledge the vitally important role of state sovereignty and to afford more meaningful opportunity for Congressional review and acceptance; and be it further

**RESOLVED** that suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack Obama, President of the United States, to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States, to Ambassador Ron Kirk, United States Trade Representative, and to each Member of the Maine Congressional Delegation.

Sen. Roger Sherman, Chair Sen. Thomas Martin Jr. Sen. John Patrick Rep. Joyce Maker, Chair Rep. Bernard Ayotte Rep. Margaret Rotundo

Heather Parent Stephen Cole Michael Herz Michael Hiltz Connie Jones



Wade Merritt
John Palmer
Linda Pistner
Harry Ricker
Michael Roland
Jay Wadleigh
Joseph Woodbury

Staff: Lock Kiermaier

#### STATE OF MAINE

### Citizen Trade Policy Commission

March 6, 2012

The Honorable Ron Kirk Trade Ambassador Office of the United States Trade Representative 600 17th Street NW Washington, DC 20508

Dear Mr. Ambassador:

The Maine Citizen Trade Policy Commission "... is established to assess and monitor the legal and economic impacts of trade agreements on state and local laws, working conditions and the business environment; to provide a mechanism for citizens and Legislators to voice their concerns and recommendations; and to make policy recommendations designed to protect Maine's jobs, business environment and laws from any negative impact of trade agreements." In seeking to fulfill its statutory mandate, the Commission voted unanimously during its meeting of February 10, 2012 to submit this letter to you urging your support for significant changes in the process used to negotiate and accept foreign trade policy agreements such as, but not limited to, the Trans-Pacific Partnership Agreement (TPPA).

Maine has traditionally supported international trade when fair rules of trade are in place. As do other states, Maine intends to be an active participant in the global economy. From the Commission's perspective, the current process used to inform, negotiate and accept the provisions of a foreign trade treaty like the TPPA is in need of significant improvement.

Specifically, the Commission remains concerned that recent international trade agreements may have a negative impact on the State's constitutionally guaranteed authority to protect not only the public health, safety and welfare, but also

Citizen Trade Policy Commission c/o Office of Policy & Legal Analysis State House Station #13, Augusta, ME 04333-0013 Telephone: 207 287-1670 http://www.maine.gov/legis/opla/citpol.htm regulatory authority. The Commission believes this situation has occurred in large part because the process used to formulate United States trade policy lacks transparency, fails to properly recognize the principles of state sovereignty and is bereft of any meaningful opportunity for Congressional review and acceptance. The current process minimizes the opportunity for meaningful input and review, and the Commission suggests there should be an opportunity for process change with significant improvements in transparency and participation.

Please contact us with any questions that you may have regarding the Commission's position on these issues.

Sincerely,

LCX I Shimm Tengtor Roger L. Sherman, Chair Representative Joyce Maker, Chair

Cc: Governor Paul R. Lepage Senator Olympia J. Snowe Senator Susan M. Collins Representative Michael H. Michaud Representative Chellie Pingree State Representative Sharon Treat



### Labor standing firm on Pacific trade deal

Adam Gartrell, AAP Diplomatic Correspondent March 5, 2012 - 6:09PM

The federal government is standing firm against Australian and US business demands that it allow controversial dispute settlement clauses into an ambitious new Pacific free trade deal.

Advertisement

Australia is one of nine nations seeking to reach final agreement on a deal known as the Trans-Pacific Partnership (TPP) by the end of 2012.

The 11th round of negotiations - which also includes the US, New Zealand, Singapore, Malaysia, Vietnam, Peru, Chile and Brunei - are now underway in Melbourne.

But talks have entered troubled waters over what are known as investor-state dispute settlement (ISDS) clauses.

These typically give businesses from one country power to take international legal action against the government of another, over agreement breaches.

The clauses are included in many multilateral and bilateral free trade agreements.

But the federal government last year issued a new trade policy, in which it ruled out supporting such clauses, arguing they ran the risk of giving foreign business greater legal rights than domestic businesses.

The government believes such clauses could also constrain its ability to make laws on social, environmental and economic matters.

Trade Minister Craig Emerson on Monday said the government would not change its position.

"We do not and will not support investor-state dispute settlement provisions," Dr Emerson told reporters on Monday.

"This is government policy.

"It's the result of a cabinet decision in April last year, reaffirmed at the (ALP) national conference."

The heads of 31 US business groups last week urged President Barack Obama to take Australia to task over the issue.

"Australia's rejection of investor-state dispute settlement is not only thwarting the ability of the TPP negotiations to produce strong enforcement outcomes, it is also having a corrosive effect on the level of ambition and other key aspects of the TPP negotiations," the business leaders said in an open letter to Mr Obama.

The Australian Chamber of Commerce and Industry (ACCI) on Monday also expressed concerned about the government's position.

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"We think the Australian government's approach of non-inclusion is poor policy and leaves Australian firms exposed when they are doing business overseas," ACCI Director of Trade and International Affairs Bryan Clark said.

"We urge the government to reconsider its position on ISDS and negotiate all aspects of the TPP in good faith and in support of Australian business interests."

There are hopes the TPP will serve as a building block for the ultimate goal of a free-trade deal covering all 21 APEC countries.

This story was found at: http://news.smh.com.au/breaking-news-national/labor-standing-firm-on-pacific-trade-deal-20120305-Iue2b.html http://insidetrade.com/201203052392109/WTO-Daily-News/Daily-News/tpp-members-to-discuss-possible-new-entrants-in-melbourne-but-no-final-decisions-expected/menu-id-949.html

# TPP Members To Discuss Possible New Entrants In Melbourne, But No Final Decisions Expected

Posted: March 5, 2012

MELBOURNE – Negotiators meeting this week in the eleventh formal round of Trans-Pacific Partnership (TPP) negotiations are expected to discuss the interest of Japan, Canada and Mexico in joining the initiative, but they are unlikely to come to any firm conclusions, according to a U.S. trade official

"We do not expect decisions on prospective members," the official said, when asked about what progress can be expected in Melbourne on this issue. "We expect to exchange information at the round on our respective bilateral consultations with countries that have expressed interest in joining."

U.S. officials do not have any meetings scheduled with Japanese, Canadian or Mexican officials in Melbourne, according to the official. While TPP members do not allow officials from prospective participants to attend the ongoing talks, such countries have in the past sent their officials to discuss their interest in joining the negotiations with current members on the sidelines of some formal rounds.

Consultations continue between the United States and these three interested countries. While in Japan last week, Assistant USTR Wendy Cutler met Nobuhiko Sasaki, director general of the trade policy bureau within the Ministry of Economy, Trade and Industry (METI). In that meeting, Cutler "explained U.S. domestic interests in the auto area," and the two sides "reaffirmed to continue to work together," according to a Japanese official.

That meeting followed up on a series of meetings that U.S. and Japanese officials held last month, although Japanese sources say the two sides are still primarily exchanging information and views of stakeholders. They also are discussing the level of ambition in the TPP talks and whether Japan could meet that level of ambition.

The U.S. and Japan have not yet discussed potential "preconditions" that Japan would have to meet, or precise "assurances" that Japan would have to give in key areas like auto market access in order to participate in TPP, according to Japanese officials.

Many observers believe that Japan will have to at least give some assurances on what it is willing to do in autos, agriculture and insurance in order to participate in TPP.

Sources differed as to why the two sides were not yet discussing these issues in detail. One Japanese official argued that such discussions should happen once Japan joins the TPP, not before. That reflects the official Japanese position of not negotiating away concessions before

joining the talks, although most observers believe some sort of "pre-negotiation" is likely to take place.

An informed source pointed out that, this official position not withstanding, Japan has made a number of commitments regarding automotive trade to the European Union in order to win over certain EU member states to the idea of launching Japan-EU trade negotiations. The two sides are expected to announce the launch of those trade talks in a matter of months, Japanese officials said.

Japanese officials say it is clear that USTR is looking for some sort of initial outcome in the TPP talks by this summer. One official said that, for that reason, it is "quite natural" for Japan to aim to join the TPP talks before that time.

Japan has gotten no firm response from USTR on timing of its potential participation or when TPP members may come to a decision on new members. But one Japanese official said that USTR has at least signaled that joining the talks by this summer may be difficult.

Some within the Japanese government believe that USTR does not want Japan to join until TPP partners have at least concluded some sort of initial deal. One Japanese official speculated that this could be the reason why the U.S.-Japan consultations are not advancing more swiftly.

Japan's desire to join TPP by summer is also driven by domestic political reasons, one informed source said. This relates to the fact that Japanese Prime Minister Yoshihiko Noda, who is a strong proponent of Japan joining the TPP, also wants to advance an unpopular increase in Japan's consumption tax.

The consumption tax issue is likely to come to a head in June, when it will become apparent that the Japanese Diet will not agree to an increase. At that point, many political analysts expect Noda to dissolve the Diet and call for new elections, this source said. Those new elections, in turn, would take place in August or September, and Noda may not be re-elected. Without Noda's leadership, there may be no domestic political will for Japan to join TPP, this source said.

Substantively, Japan's near-term participation in TPP would allow it to help shape the rules of the agreement, which it prefers to simply signing onto an agreement that is, at least in some aspects, already completed. Other sources have speculated that Japan is pressing for participation in the short term because it knows any "down payment" of concessions to which it would have to agree to join the talks will only increase the longer it is excluded from the talks.

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http://insidetrade.com/201203052392106/WTO-Daily-News/Daily-News/debate-over-us-position-on-footwear-tariffs-in-tpp-focuses-on-tariffs-and-rules-of-origin/menu-id-949.html

# Debate Over U.S. Position On Footwear Tariffs In TPP Focuses On Tariffs And Rules Of Origin

Posted: March 5, 2012

MELBOURNE – The debate among U.S. stakeholders on how to treat footwear in a final Trans-Pacific Partnership (TPP) agreement has two components: tariff reductions and the rule of origin that will apply to imported footwear products.

Both are the subject of intense debate between importers of footwear, and manufacturers of footwear.

U.S. footwear tariffs vary depending on the type of shoe that is imported. Imported athletic footwear -- which is of huge interest for companies like Nike and New Balance-- typically faces tariffs in the 17-20 percent range, an industry source said.

That is lower than shoes with rubber soles and canvas "uppers," for instance, which face tariffs of 48 percent. Rain shoes and some athletic shoes face tariffs as high as 36.7 percent.

In addition to immediately scrapping these tariffs, importers want to establish a rule of origin for footwear in the TPP that they say would be more uniform and less burdensome. In particular, they want all footwear to be subject to a "tariff shift" rule, under which processing in a TPP country sufficient to change a product's tariff classification would bestow origin, and therefore qualify that product for preferential access under TPP.

This "tariff shift" approach is favored by U.S. importers in the TPP context because it would allow factories in Vietnam, for instance, to use components from China, assemble shoes in Vietnam and, as long as a tariff shift took place, export those shoes to the United States under TPP preferences.

In past trade deals, USTR has typically negotiated a tariff-shift rule of origin for footwear. However, it has also included exceptions from that general rule for more sensitive items. For instance, the Korea-U.S. free trade agreement stipulates that 15 sensitive tariff lines are subject to a 55 percent value-added rule of origin rather than the tariff-shift rule.

These tariff lines cover items like waterproof footwear; footwear with outer soles and uppers of rubber or plastics; sports and athletic footwear with outer soles of rubber/plastics and uppers of textiles; and footwear meant to protect against water, oil, grease or chemicals, or cold or inclement weather.

The value-added rule is more difficult to meet because an exporter must ensure that footwear contains a certain amount of value from the FTA region if it is to receive preferences. This

approach also imposes more burdensome record-keeping requirements on companies tracking the value of all components into footwear, one critic said.

U.S. manufacturers like New Balance not only want to preserve the 15 sensitive tariff lines from the Korea FTA that were exempted from the tariff-shift rule of origin. They also want to roughly double the number of tariff lines that would be subject to the 55 percent value-added rule. One source said the Rubber And Plastics Footwear Manufacturers Association is supporting this position on behalf of New Balance and others.

One critic of this position conceded that even with a 55 percent value-added rule, producers of athletic shoes in Vietnam like Nike may still be able to qualify for TPP benefits because the industry in Vietnam is vertically integrated. This means Vietnam does not import all of its components from China.

But the 55 percent value-added rule could be more of a hurdle for producers of leather shoes, which makes new investments in Vietnam a bit less appealing, this source argued. U.S. manufacturers like New Balance also want to exempt tariffs on sensitive footwear lines from any duty reductions in a final TPP deal.

# http://infojustice.org/archives/8694

# TPP Negotiators Turn to Pharmaceutical Reimbursement

March 4, 2012 By Sean Flynn Leave a Comment



(cc) hitthatswitch http://goo.gl/iJ87i

MELBOURNE, AUSTRALIA. Negotiations of the Transpacific Partnership Agreement (TPP) have turned to discussions of the pharmaceutical reimbursement chapter today. This issue is highly controversial and represents a very recent shift in trade policy. There are only two previous free trade agreements with the US to include chapters restricting the operation of pharmaceutical reimbursement programs — the <u>US-Korea FTA</u>, including its <u>side letter</u> (KORUS) and the <u>US-Australia FTA</u>, including its <u>side letter</u> (AUSFTA).

The <u>leaked text</u> of the US proposal for a pharmaceutical "transparency" chapter shows that it is using the KORUS FTA as a template. And this, in turn, shows that its real intent is to control the efficacy of price restraints in public health programs, not to promote transparency within them. This is a bold and controversial proposal — particularly in an agreement including a large number of developing countries.

The enclosed korus <u>korus ausfta side by side</u> contains a comparison of the AUSFTA and KORUS reimbursement chapters. It shows clearly the shift from a set of norms governing "transparency" in the AUSFTA to enabling pharmaceutical company challenges to ultimate pricing decisions in KORUS.

Notably, the exchange of letters convey an interpretation that the AUSFTA requires only that "Australia shall provide an opportunity for independent review of PBAC determinations, where an application has not resulted in a PBAC recommendation to list." There is no appeal under AUSFTA for a listed drug at a lower than desired price.

There clearly is an appeal on price in KORUS. The side letter promises to "establish and maintain a body to review, at the request of an applicant that is directly effected, recommendations or determinations *regarding the pricing* and reimbursement of pharmaceutical products or medical devices."

I don't know of any reimbursement (or procurement) program in the US that would give an appeal to a pharma company based on unhappiness with the price offered by a formulary. Companies can refuse to sell at the price offered. But they don't have an appeal based on the "value" of a patent, as is provided in KORUS and the US proposal for TPP.

Indeed, most or all Medicaid formularies would not comply with AUSFTA either (which is why KORUS had to include a Medicaid carve out) because they do not give any appeals to pharmaceutical companies for listing decisions on their preferred drug lists. Medicaid and other formularies could also be vulnerable to challenge under any agreement applicable to them that required only "objective" criteria to be used in formula decisions. The listing of drugs on a formulary often includes negotiation and deliberation among experts and health officials, not a mathematical application of a defined formula.

Although this chart shows that the chapter in KORUS is a lot worse for public health and affordable pricing concerns than AUSFTA, it does not mean that AUSFTA should be a standard to be pushed for in the TPP or future FTAs. <u>US state officials</u> opposed both AUSFTA and KORUS, even with the Medicaid carve outs. <u>VT Governor Peter Shumlin wrote to Obama</u> explained: "because the FTA was negotiated with minimal public input, and because general principles are likely to prevail over finely crafted exceptions, state officials are concerned that U.S. programs will be threatened by the provisions in the Korea FTA and similar norms exported to other agreements (e.g. the TPP)." The Vermont Governor also noted the inadvisability of exporting rules US programs have no experience complying with: "it is inappropriate for U.S. trade policy to advance restrictions on pharmaceutical pricing programs that U.S. programs do not meet but for technical carve outs."

This policy also breaks new ground in expanding restrictions on access to affordable medications in developing countries. The US government is already under fire by <u>public health groups</u> and <u>Members of Congress</u> for the leaked IP chapter showing that it is backtracking on the 2007 <u>New Trade Policy</u> on access to medicines. During the ratification process for KORUS, USTR officials repeatedly represented that they had no intent of asking developing countries to sign a reimbursement chapter. The Special 301 program also initially avoided identifying developing countries for reimbursement issues (although recent report have listed eastern european countries). The TPP agreement will be the first FTA where the US is known to be proposing a standard that would restrict the operation of non-discriminatory domestic pharmaceutical price policies in developing countries. And it is doing it an agreement is described as having "global" and "gold standard" ambitions.

http://insidetrade.com/201203072392349/WTO-Daily-News/Daily-News/us-vietnam-still-making-slow-progress-in-bilateral-talks-on-goods-market-access/menu-id-948.html

### U.S., Vietnam Still Making Slow Progress In Bilateral Talks On Goods Market Access

Posted: March 7, 2012

MELBOURNE – The bilateral talks on goods market access between the United States and Vietnam continue to make fairly slow progress, as neither side appears willing to "make the first move" on offering critical concessions that could enable the other to follow suit, sources said.

One of Vietnam's top priorities in the TPP talks is securing better access to the U.S. market for its textiles and apparel exports. The other is better access for its footwear exports. The United States is keen to increase its access to Vietnam in agricultural products like pork, among other things.

On footwear, there are no signs yet that the United States has tabled any significant concessions on Vietnam's priorities, such as reducing the 12-15 percent duties on much of the athletic footwear that it exports to the United States. The United States has tabled what it sees as ambitious tariff reductions on many tariff lines, but apparently not the ones vital for Vietnam, one source said.

Cutting footwear tariffs is controversial in the United States, as limited production of footwear takes place in Maine, Massachusetts, and Wisconsin, which would be he hurt by the reduction in tariffs.

Partly as a result of the U.S. stance, Vietnam appears unwilling to engage on U.S. demands, to the frustration of U.S. negotiators that want to start reaching initial compromises with Vietnam on less controversial issues in order to build trust and momentum. But Vietnam, because of the lack of real movement on the U.S. side on its priorities, appears unwilling to even do that, sources said.

The talks on footwear have two components – tariff reductions and the rules of origin that footwear would have to meet in order to qualify for TPP preferences. The former is likely more important to Vietnam because its footwear industry is vertically integrated, meaning it does not rely on imports and therefore can meet tougher rules of origin.

Due to the high volume of footwear that Vietnam exports, cutting duties facing athletic shoes in half – perhaps from 20 percent to 10 percent – over a reasonable period of time would be a significant U.S. concession and would imply substantial savings for importers of Vietnamese footwear, one source said.

On textiles and apparel, the two sides also appear to still be stuck in initial positions. Unlike footwear, the rules of origin are of paramount importance here. The United States has tabled a yarn-forward rule of origin with few exemptions, which would be more difficult for Vietnam to

meet, whereas Vietnam has essentially tabled a "cut and sew" rule, which is also strongly supported by U.S. importers.

One observer suggested that the first major step in the talks could be for Vietnam to accept a yarn-forward rule as the basis for discussions, while the United States accepts that it will have to agree to significant exemptions for key tariff lines within that overall rule. Thus far, the two sides have not yet engaged in that kind of conversation, this observer said.

A yarn-forward rule means Vietnamese apparel could not be shipped to the United States under TPP preferences unless essentially all steps in making the garment, from the spinning of the yarn forward, are done in the TPP region. That would greatly limit Vietnam's ability to ship apparel under preferential tariffs to the U.S. or other TPP markets because its industry currently imports much of the yarn and fabric it uses from China, which is not party to the TPP talks.

The cut and sew rule of origin that Vietnam is demanding takes this into account. It would allow Vietnam to enjoy preferential access for apparel items that have been cut and sewn from Chinese fabric or fabric from any other destination.

Better access for pork is a U.S. priority because the National Pork Producers Council (NPPC) sees huge gains in Vietnam due to its high per capita consumption of pork, sources said.

According to NPPC, the United States exported 16,700 metric tons of pork products to Vietnam in 2008, valued at \$31.9 million. NPPC believes Vietnam offers the greatest growth potential of any TPP country for increased pork exports.

NPPC is asking U.S. negotiators to demand the immediate elimination of all pork duties under a TPP deal. Vietnam currently applies a 25 percent tariff for fresh/chilled pork; a 15 percent tariff on frozen pork; an 8 percent tariff for pork offals; a 10 percent tariff for processed pork; and a 22 percent tariff for sausages and processed pork products, among others.

February 21, 2012

#### MEMORANDUM FOR ALL ADVISORY COMMITTEE MEMBERS

FROM:

Isaac Faz

Acting Assistant U.S. Trade Representative

Intergovernmental Affairs and Public Engagement

SUBJECT: New Federal Register Notice on Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR)

On February 17, 2012, USTR published a notice in the Federal Register:

 Request for Petitions To Modify the Rules of Origin Under the Dominican Republic-Central America-United States Free Trade Agreement

This is a notice of opportunity to file petitions requesting changes to the non-textile and non-apparel products rules of origin under the CAFTA-DR under Article 4.14 of the Agreement.

The comment period for the notice closes at noon on April 17, 2012. For questions please contact Kent Shigetomi at 202-395-9459 or Jason Bernstein at 202-395-6577.



Executive Service members: Lois E. Quam, Chairperson, Executive Director for the Global Health Initiative, Office of the Secretary, Department of State; Frank A. Rose, Deputy Assistant Secretary, Bureau of Arms Control, Verification and Compliance, Department of State; Sharon L. Waxman, Senior Advisor, Office of the Under Secretary for Civilian Security, Democracy, and Human Rights, Department of State.

Dated: February 13, 2012.

#### Steven A. Browning,

Acting Director General of the Foreign Service and Director of Human Resources, Department of State.

[FR Doc. 2012-3788 Filed 2-16-12; 8:45 am] BILLING CODE 4710-15-P

#### OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Petitions To Modify the **Rules of Origin Under the Dominican** Republic—Central America—United **States Free Trade Agreement** 

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice of opportunity to file petitions requesting changes to the nontextile and non-apparel products rules of origin under the Dominican Republic—Central America—United States Free Trade Agreement ("the Agreement'' or ''CAFTA-DR'').

**SUMMARY:** This notice solicits proposals on appropriate changes that USTR should consider for modifying the CAFTA-DR's rules of origin under Article 4.14 of the Agreement. DATES: Public comments are due at USTR by close of business, April 17, 2012.

ADDRESSES: Submissions via on-line: http://www.regulations.gov. For alternatives to on-line submissions please contact Kent Shigetomi at (202) 395-9459.

FOR FURTHER INFORMATION CONTACT: Kent Shigetomi, Director for Mexico, NAFTA, and the Caribbean, at (202) 395-9459.

SUPPLEMENTARY INFORMATION: On January 23, 2012, the CAFTA-DR Free Trade Commission ("FTC" or "the Commission"), the plurilateral ministerial-level body responsible for supervising the implementation of the CAFTA-DR, agreed to consider modifying the rules of origin established in the Agreement, particularly in light of more recent free trade agreements. The CAFTA-DR requires each government to provide preferential tariff treatment to goods that meet the Agreement's origin

rules. In the United States, those rules are implemented through the Dominican Republic—Central America—United States Free Trade Agreement Implementation Act (Public Law 109-53, 119 Stat. 462) (19 U.S.C. 4011(a) ("the Act")). Under the Act, goods imported into the United States qualify for preferential treatment if they meet the requirements of the general CAFTA-DR rules of origin set out in section 203 of the Act and the CAFTA-DR product-specific rules set out in the Harmonized Tariff System. The Agreement allows the Parties to amend the Agreement's origin rules as they deem appropriate. Section 203(o)(3) of the Act authorizes the President to proclaim modifications to the CAFTA-DR product-specific origin rules set forth in the HTS, subject to the consultation and layover provisions of section 104 of the Act.

Additional Information: The United States and the other CAFTA-DR Parties have not yet decided whether to make changes to the Agreement's rules of origin and, if such changes were made, what the scope or extent of such changes should be. The United States and the other CAFTA-DR Parties expect to take into account several factors in considering whether to make such changes, including: (1) The extent that any such changes may reduce transaction and manufacturing costs or increase trade among the Parties; (2) the feasibility of devising, implementing, and monitoring new rules of origin; and (3) the level and breadth of interest that manufacturers, processors, traders, and consumers in the Parties express for making particular changes. The Parties expect to make only those changes that are broadly supported by stakeholders in all countries.

Requirements for Comments/ Proposals: Submitters should indicate whether they have discussed their proposals with representatives of the relevant sector in the other Parties and, if such discussions have taken place, the result of those discussions. Submissions should indicate if representatives of the relevant sector in the other Parties do not support the proposal. USTR encourages interested parties to consider submitting proposals jointly with interested parties in the other

Scope and Coverage of Proposals: USTR encourages interested parties to review the broadest appropriate range of items and to submit proposals that reflect a consensus reached after such a broad-based review. A single proposal can thus include requests covering multiple tariff headings. Proposals should cover entire 8-digit tariff

subheadings, and may also be submitted at the 6, 4, or 2 digit level where the intent is to cover all subsidiary tariff

Requirements for Submissions: Persons submitting written comments must do so in English and must identify (on the first page of the submission) "CAFTA–DR Rules of Origin." In order to be assured of consideration, comments should be submitted by noon,

[60 days after publication]. In order to ensure the timely receipt

and consideration of comments, USTR strongly encourages commenters to make on-line submissions, using the http://www.regulations.gov Web site. Comments should be submitted under the following docket: USTR-2012-0002. To find the docket, enter the docket number in the "Enter Keyword or ID" window at the http:// www.regulations.gov home page and click "Search." The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting "Notices" under "Document Type" on the search-results page, and click on the link entitled "Submit a Comment." (For further information on using the www.regulations.gov Web site, please consult the resources provided on the Web site by clicking on the "Help" tab.)

The http://www.regulations.gov Web site provides the option of making submissions by filling in a comments field, or by attaching a document. USTR prefers submissions to be provided in an attached document. If a document is attached, it is sufficient to type "See attached" in the "Type Comment" and attach a file in the "Upload File(s)" field. USTR also prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf). If the submission is in an application other than those two, please indicate the name of the application in

the "Comments" field.

A person seeking to request that information contained in a submission from that person be treated as business confidential information must certify that such information is business confidential and would not customarily be released to the public by the submitter. For any comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters "BC." Confidential business information must be clearly designated as such. The submission must be marked "BUSINESS CONFIDENTIAL" at the top and bottom of the cover page and each succeeding page, and the submission should indicate, via brackets, the specific information that is confidential.

Additionally, "BUSINESS CONFIDENTIAL" must be included in the "Type Comment" field. Filers of submissions containing business confidential information must also submit a public version of their comments indicating where confidential information has been redacted. The nonconfidential summary will be placed in the docket and open to public inspection. The file name of the public version should begin with the character "P." The "BC" and "P" should be followed by the name of the person or entity submitting the comments or reply comments. Filers submitting comments containing no business confidential information should name their file using the character "P," followed by the name of the person or entity submitting the comments.

Please do not attach separate cover letters to electronic submissions; rather, include any information that might appear in a cover letter in the comments themselves. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the submission itself, not as separate files.

USTR strongly urges submitters to file comments through

www.regulations.gov, if at all possible. Any alternative arrangements must be made with Kent Shigetomi in advance of transmitting a comment. Mr. Shigetomi should be contacted at (202) 395–9459. General information concerning USTR is available at http://www.ustr.gov.

Inspection of Submissions:
Submissions in response to this notice, except for information granted "business confidential" status, will be available for public viewing at http://www.regulations.gov. Such submissions may be viewed by entering the docket number USTR-2012-0002 in the search field at: http://www.regulations.gov.

#### John M. Melle,

Assistant U.S. Trade Representative for the Americas.

[FR Doc. 2012–3717 Filed 2–16–12; 8:45 am] BILLING CODE 3190–W2–P

#### **DEPARTMENT OF TRANSPORTATION**

#### National Highway Traffic Safety Administration

### Reports, Forms, and Recordkeeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), this notice announces that the Information Collection Request (ICR) abstracted regarding the passenger motor vehicle insurance companies and rental/leasing companies comply with 49 CFR Part 544, Insurer Reporting Requirement, has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collections and their expected burden. The Federal Register Notice with a 60-day comment period was published on November 25, 2011 (76 FR 72750). The agency received no comments.

**DATES:** Comments must be submitted on or before March 19, 2012.

ADDRESSES: Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention NHTSA Desk Officer.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is most effective if OMB receives it within 30 days of publication.

FOR FURTHER INFORMATION CONTACT: Ms. Carlita Ballard at the National Highway Traffic Safety Administration, Office of International Policy, Fuel Economy and Consumer Programs (NVS–131), 1200 New Jersey Ave., SE., West Building, Room W43–439, NVS–131, Washington, DC 20590. Ms. Ballard's telephone number is (202) 366–0846. Please identify the relevant collection of information by referring to its OMB Control Number.

#### SUPPLEMENTARY INFORMATION:

#### National Highway Traffic Safety Administration

Title: 49 CFR part 544; Insurer Reporting Requirement.

OMB Control Number: 2127–0547. Type of Request: Request for public comment on a previously approved collection of information.

Abstract: This information collection supports the Department's strategic goal

of Economic Growth and Trade. The Motor Vehicle Theft Law Enforcement Act of 1984, added Title VI to the Motor Vehicle and Information Cost Savings Act (recodified as Chapter 331 of Title 49, United States Code) which mandated this information collection. The 1984 Theft Act was amended by the Anti Car Theft Act (ACTA) of 1992 (Pub. L. 102-519). NHTSA is authorized under 49 U.S.C. 33112, to collect this information. This information collection supports the agency's economic growth and trade goal through rulemaking implementation developed to help reduce the cost of vehicle ownership by reducing the cost of comprehensive insurance coverage. 49 U.S.C. 33112 requires certain passenger motor vehicle insurance companies and rental/leasing companies to provide information to NHTSA on comprehensive insurance premiums, theft and recoveries and actions taken to address motor vehicle

Affected Public: Business or other for profit.

Estimated Total Annual Burden: Based on prior years' insurer compilation information, the agency estimates that the time to review and compile information for the reports will take approximately a total of 19,625 burden hours (17,500 man-hours for 25 insurance companies and 2,125 manhours for 5 rental and leasing companies). Claim Adjusters incur separate burden hours from the number of insurers. Claim adjuster's duties are those of normal business practice and do not assist in preparing or compiling information for the reports. There has been a decrease in the number of companies required to report since the last reporting period, also, some companies have merged into one entity or have been exempted from the reporting requirements since the last reporting period. The agency has reestimated the burden hours to be 19,625 total annual hours requested in lieu of 63,238 as the current OMB inventory. This is a decrease of 43,613 hours. Most recent year insurer compilation information estimates reveal that it takes an average cost of \$47.00 per hour for clerical and technical staff to prepare the annual reports. Therefore, the agency estimates the total cost associated with the burden hours is \$922,375.

The burden hour for rental and leasing companies is significantly less than that for insurance companies because rental and leasing companies comply with fewer reporting requirements than the insurance companies. The reporting burden is

From: Eyes on Trade <gtwinfo@citizen.org>

Date: Fri, 24 Feb 2012 20:06:08 +0000
To: Sharon Treat <<u>satreat@gmail.com</u>>

Subject: Eyes On Trade: Consumer groups call on Obama Administration to defend country-of-origin

labels on meat

Eyes On Trade: Consumer groups call on Obama Administration to defend country-of-origin labels on meat

# Consumer groups call on Obama Administration to defend country-of-origin labels on meat

Posted: 24 Feb 2012 09:29 AM PST

FOR IMMEDIATE RELEASE February 24, 2012

#### Consumer groups call on Obama Administration to defend country-of-origin labels on meat

The nation's largest consumer groups today wrote to the Obama administration, urging an appeal of the November 2011 ruling by a World Trade Organization (WTO) panel against U.S. country-of-origin labels on meat. The ruling followed a case brought by Canada and Mexico in December 2008 against the popular U.S. law, which was also opposed by large agribusiness corporations in the U.S.

"Poll after poll show that American consumers want to know where their food comes from," said Jean Halloran, director of Food Policy Initiatives at Consumers Union. "The WTO should not stand in the way."

The COOL law – implemented in March 2009 - was a result of a decades-long struggle to assure consumers are provided with basic information about the origin of meat products, fish and seafood, certain nuts and fresh fruits and vegetables.

"Consumers have been pushing for country-of-origin labeling for decades only to have the new law challenged at the WTO," said Chris Waldrop, director of the Food Policy Institute at Consumer Federation of America. "If upheld on appeal, the WTO ruling will undermine consumers' faith

in the fairness of these international institutions."

Countries all around the world have some form of country-of-origin labeling, including Argentina, Australia, Japan, Canada, Mexico and the European Union.

"Consumers worldwide have successfully advocated for country-of-origin labeling requirements -- most more transparent and informative than the U.S. labels," said Wenonah Hauter, executive director

of Food & Water Watch. "Neither the president nor the congress should bow to the will of international trade bureaucrats that want to take commonsense country-of-origin labels away from the American people."

While the WTO panel affirmed the right of the United States to require country-of-origin labeling for meat products, the panelists concluded that requiring companies to comply with the law was too costly for imported livestock (in violation of WTO rules), but that the flexibilities in the law (made in response to demands by importers themselves) violated other WTO rules. The consumer groups point out that this conflicted ruling demonstrates the danger of emphasizing trade over consumer regulation.

The U.S. has until mid-March to appeal the ruling. If it is not appealed or is upheld on appeal, the U.S. may be asked to weaken or eliminate COOL.

"An appeal will buy the U.S. time and may help weaken or overturn the damaging lower panel ruling," said Lori Wallach, director of Public Citizen's Global Trade Watch. "But consumers are calling on Congress to challenge the legitimacy of any WTO ruling against popular consumer policies."

The letter sent to the administration can be found here: http://bit.ly/wRQIfg

#####

Consumer Federation of America is an association of nearly 300 nonprofit consumer organizations that was established in 1968 to advance the consumer interest through research, advocacy and education.

Consumer Reports is the world's largest independent product-testing organization. Using its more than 50 labs, auto test center, and survey research center, the nonprofit rates thousands of products and services annually. Founded in 1936, Consumer Reports has over 8 million subscribers to its magazine, website, and other publications. Its advocacy division, **Consumers Union**, works for health reform, food and product safety, financial reform, and other consumer issues in Washington, D.C., the states, and in the marketplace.

Food & Water Watch works to ensure the food, water and fish we consume is safe, accessible and sustainable. So we can all enjoy and trust in what we eat and drink, we help people take charge of where their food comes from, keep clean, affordable, public tap water flowing freely to our homes, protect the environmental quality of oceans, force government to do its job protecting citizens, and educate about the importance of keeping shared resources under public control.

Public Citizen is a national, nonprofit consumer advocacy organization based in Washington, D.C. founded in 1971.



#### **Consumer Federation of America**

# Consumers Union Nonprofit Publisher of Consumer Reports





February 24, 2012

#### Dear President Obama:

We are writing to urge your administration to appeal the November 2011 ruling by a World Trade Organization (WTO) panel against U.S. country-of-origin labeling on meat.

Our organizations are strong supporters of this law, which was implemented in March 2009, after decades of consumer efforts. Country-of-origin labeling is wildly popular in the U.S., as poll after poll show overwhelming support for labeling. Indeed, nations around the world are implementing variants of such laws.

The panel affirmed the right of the United States to require country-of-origin labeling for meat products, but concluded that requiring companies to comply with the law was too costly for imported livestock (in violation of WTO rules), while also concluding that the flexibilities in the law (made in response to demands by importers themselves) violated other WTO rules. The panel's conflicted ruling demonstrates the extreme perils of allowing trade lawyers to interfere with consumer regulation. If upheld on appeal, the WTO ruling will undermine consumers' faith in the fairness of these international institutions.

Please feel free to be in touch with any of our organizations if we can be of assistance as you craft this appeal.

Sincerely,

Consumer Federation of America

**Consumers Union** 

Food & Water Watch

**Public Citizen** 



### **Hearing Advisory**

### Chairman Camp Announces Hearing on President Obama's Trade Policy Agenda with U.S. Trade Representative Ron Kirk and Second Panel on the Future of U.S. Trade Negotiations

Wednesday, February 29, 2012

Like

One person likes this.

House Ways and Means Committee Chairman Dave Camp (R-MI) today announced that the Committee on Ways and Means will hold a hearing on President Barack Obama's trade policy agenda with U.S. Trade Representative Ron Kirk and with a second panel of witnesses on the future of U.S. trade negotiations. The hearing will take place on Wednesday, February 29, 2012, in 1100 Longworth House Office Building, beginning at 10:00 A.M.

In view of the limited time available to hear the witnesses, oral testimony at this hearing will be from invited witnesses only. However, any individual or organization not scheduled for an oral appearance may submit a written statement for consideration by the Committee and for inclusion in the printed record of the hearing. A list of invited witnesses will follow.

#### **BACKGROUND:**

International trade is an engine for growth and job creation in the United States. While the United States is the largest economy and trading nation in the world, 95 percent of the world's consumers are abroad. The future success of American workers, businesses, and farmers is therefore integrally tied with continuing America's strong commitment to finding new markets and expanding existing ones for U.S. goods and services.

The bipartisan passage of the implementing bills for the Colombia, Panama, and South Korea free trade agreements in October 2011 marked an important step forward for U.S. trade policy. This hearing will provide an opportunity to explore with Ambassador Kirk how the President's trade agenda will sustain this momentum with respect to current trade issues, such as: progress in the Trans-Pacific Partnership negotiations; Russia's accession to the World Trade Organization; China's trade restrictive practices and non-tariff barriers that prevent U.S. companies from competing on a level playing field; the President's trade agency reorganization proposal and National Export Initiative (NEI); and various bilateral and multilateral trade disputes and concerns. In addition, Ambassador Kirk's testimony and the second panel of witnesses will provide an opportunity to focus on long-term thinking relating to future trade negotiations, including "post-Doha" WTO issues such as an international services agreement, Information Technology Agreement (ITA) expansion, and a trade facilitation agreement in the age of global supply chains; Bilateral Investment Treaties (BITs) with China and India and new BITs and investment opportunities; and the trade and investment relationship with the European Union, India, and Latin America.

In announcing this hearing, Chairman Camp said, "Opening new markets for U.S. businesses, workers, and farmers and strong enforcement of U.S. rights are essential to driving economic growth and job creation here in the United States. The three free trade agreements with Colombia, Panama, and South Korea that Congress passed last year in a bipartisan manner sent a strong message that the United States has returned to the trade negotiating table. We are now at an important juncture to move forward aggressively on the Trans-Pacific Partnership negotiations and other initiatives to make sure that last year's momentum is not lost. It's also a critical time for us to look ahead for future trade and investment opportunities with important trading partners like the European Union, India, and Latin America to maximize American competitiveness and ensure that we do not fall behind."

#### **FOCUS OF THE HEARING:**

The first panel of the hearing will provide an opportunity to explore with Ambassador Kirk current trade issues such as: (1) ensuring prompt implementation of the three free trade agreements with Colombia, Panama, and South Korea; (2) seeking to conclude a good Trans-Pacific Partnership agreement this year; (3) considering Russia's WTO accession; (4) improving our important trade relationship with China and addressing China's trade barriers; (5) addressing the Obama Administration's trade agency reorganization proposal and National Export Initiative (NEI); and (6) ensuring appropriate trade enforcement efforts. The first and second panels will also focus on areas of potential future trade negotiations such as: (1) advancing WTO negotiations, including "post-Doha" issues at the WTO such as an international services agreement, Information Technology Agreement (ITA) expansion and a trade facilitation agreement; (2) completing Bilateral Investment Treaties (BITs) with China and India and exploring new BITs and investment opportunities; (3) deepening and expanding the trade and investment relationship with the European Union; and (4) establishing long-term, closer ties with important trading partners such as Latin America and India.

#### **DETAILS FOR SUBMISSION OF WRITTEN COMMENTS:**

Please Note: Any person(s) and/or organization(s) wishing to submit for the hearing record must follow the appropriate link on the hearing page of the Committee website and complete the informational forms. From the Committee homepage, <a href="http://waysandmeans.house.gov">http://waysandmeans.house.gov</a>, select "Hearings." Select the hearing for which you would like to submit, and click on the link entitled, "Click here to provide a submission for the record." Once you have followed the online instructions, submit all requested information. ATTACH your submission as a Word document, in compliance with the formatting requirements listed below, by the close of business on Wednesday, March 15, 2012. Finally, please note that due to the change in House mail policy, the U.S. Capitol Police will refuse sealed-package deliveries to all House Office Buildings. For questions, or if you encounter technical problems, please call (202) 225-1721 or (202) 225-3625.

#### **FORMATTING REQUIREMENTS:**

The Committee relies on electronic submissions for printing the official hearing record. As always, submissions will be included in the record according to the discretion of the Committee. The Committee will not alter the content of your submission, but we reserve the right to format it according to our guidelines. Any submission provided to the Committee by a witness, any supplementary materials submitted for the printed record, and any written comments in response to a request for written comments must conform to the guidelines listed below.

Any submission or supplementary item not in compliance with these guidelines will not be printed, but will be maintained in the Committee files for review and use by the Committee.

- 1. All submissions and supplementary materials must be provided in Word format and MUST NOT exceed a total of 10 pages, including attachments. Witnesses and submitters are advised that the Committee relies on electronic submissions for printing the official hearing record.
- 2. Copies of whole documents submitted as exhibit material will not be accepted for printing. Instead, exhibit material should be referenced and quoted or paraphrased. All exhibit material not meeting these specifications will be maintained in the Committee files for review and use by the Committee.
- 3. All submissions must include a list of all clients, persons and/or organizations on whose behalf the witness appears. A supplemental sheet must accompany each submission listing the name, company, address, telephone, and fax numbers of each witness.

The Committee seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202-225-1721 or 202-226-3411 TTD/TTY in advance of the event (four business days notice is requested). Questions with regard to special accommodation needs in general (including availability of Committee materials in alternative formats) may be directed to the Committee as noted above.

Note: All Committee advisories and news releases are available on the World Wide Web at http://www.waysandmeans.house.gov/.

Hi, Lock,

Thanks for the resumes. I wish that we had more money to spend, as I would love to get each of these people on the topic they know the most about and get the broadest possible input.

From a practical perspective, though, our money may not go very far, and travel & related expenses will come out of it as well.

It seems to me that we might best stretch our money by asking the two Georgetown professors, Bob Stumberg and Matt Porterfield, to work together, combining their expertise. I have seen Bob Stumberg present, and worked with him to a limited extent on some of the work done for the Commission through the Forum on Trade and Democracy. I have a very high opinion of Bob and his work on trade issues.

While I would love to have Ellen Schafer on our prescription drug issue, I doubt that the money will reach that far. Perhaps in the future.

Please feel free to share my comments with the Commission, since I will be out of the country on Friday, as you know, and will regretfully miss the meeting.

Thank you for your efforts, Linda

Linda M. Pistner Chief Deputy Attorney General State House Station #04333 Augusta, ME Linda.pistner@maine.gov (207) 626-8800

#### ROBERT K. STUMBERG

Harrison Institute for Public Law ~ Georgetown University Law Center 111 F Street, NW, Suite 120 ~ Washington, D.C. 20001-2095 (202) 662-9603 ~ stumberg@law.georgetown.edu

#### **Experience**

#### Georgetown University Law Center, Washington, DC.

1975 to present

Professor of law and director of the Harrison Institute for Public Law; previous positions include associate professor, assistant professor, adjunct professor and graduate fellow. Past work at the Harrison Institute includes:

•	Democracy and trade - policy work on global agreements and state sovereignty	1993 to present
•	Community health - policy work on access to care and community-based food systems	1995 to present
•	Climate change – policy that adapts to climate change and reduces greenhouse gases	2009 to present
•	Utility regulation - guidance to state regulators on their authority and best practices	2008 to 2010
•	Community lending - policy work on interstate banking and community reinvestment	1987 to 1993
•	Economic development - policy work on microenterprise and rural intermediaries	1987 to 1993
•	Local government legislation - policy work for the DC Council and Montgomery Co. Council	1975 to 1987
•	Multifamily housing - representation of group clients and policy work on housing finance	1980 to 1987
•	Land use and historic preservation – administrative law practice for community coalitions	1980 to 1985

#### Center For Policy Alternatives, Washington, DC.

1987 to 1995

Policy director. Responsible for policy research, legislative analysis, legal drafting, database development, general management and fundraising for multi-issue center on progressive state policy. In addition to issues noted above, policy work included worker displacement, job creation, welfare reform, solid waste management, sustainable agriculture, family & medical leave, and voter registration reform.

#### Montgomery County Government, Rockville, MD.

1984 to 1987

Associate legislative counsel to Montgomery County Council in a joint program with Georgetown University.

#### **Education**

LL.M., Georgetown University Law Center, Washington, D.C. Focus on legislation/policy analysis. May 1979

J.D., Georgetown University Law Center, Washington, D.C. Fellow in legal writing program May 1975

**B.A., Macalester College,** St. Paul, Minnesota. *Phi Beta Kappa*; student body president; graduation with distinction; *Pi Sigma Alpha* (political science).

May 1972

#### **Bar Membership**

U.S. Supreme Court (2000), District of Columbia (3/30/80), Maryland (11/3/81) and Missouri (9/6/75).

#### **Selected Publications**

Guide to GATS Negotiations on Domestic Regulation, Heinrich Boell Foundation (2011).

Tobacco in the Trans-Pacific Partnership, Forum on Democracy and Trade (draft working paper, 2011).

Procurement and Decent Work, Working Paper, International Labor Organization (Washington Office, 2010).

NAFTA Services and Climate Change, in the Future of North American Trade Policy: Lessons from NAFTA (Kevin Gallagher, ed., 2009).

Reform of Investor Protections, Testimony before the U.S. House Committee on Ways & Means, Subcommittee on Trade (May 2009).

The WTO, Services & the Environment, in Handbook on Trade & Environment (Kevin Gallagher, ed., 2008).

GATS & Electricity, State and Local Working Group on Energy & Trade Policy (April 2005).

Who Preempted the Massachusetts Burma Law? Federalism & Political Accountability Under Global Trade Rules, 31 Publius: The Journal of Federalism 1 (Fall 2001, with Matthew Porterfield).

Preemption & Human Rights: Local Options After Crosby v. NFTC, 32 Law & Policy in Int'l Business, 109 (2000).

Supreme Court Brief for Members of Congress, Amici Curiae, in Crosby v. National Foreign Trade Council, On Writ of Certiorari, Supreme Court No. 99-474 (January 13, 1999, with Matthew Porterfield).

A Multilateral Agreement on Investment: Would It Undermine Subnational Environmental Protection? 8 Journal of Environment & Development 5, March 1999 (with Thomas Singer).

Sovereignty by Subtraction: The Multilateral Agreement on Investment, 31 Cornell Int'l Law Journal 491 (1998).

#### **Selected Presentations**

#### International audiences

•	China Administration of Grain, WTO subsidy rules – Georgetown Law	June 2010
•	International Legislative Drafting Institute – Tulane Law School; New Orleans, LA	June 1998 – June 2010
•	National Economic Development and Labour Council, Johannesburg	March 2010
•	WTO annual forum, Geneva	September 2008

#### Congressional testimony

• U.S. House Committee on Ways & Means, Subcommittee on Trade

May 2009

#### Presentations to state and local government associations - public sector roles in developing trade policy

•	National Conference of State Legislatures	December 2011
•	National Association of State Treasurers; Divestment of pension fund assets	March 2010
•	National Conference of State Legislatures; Trade Policy Leadership Seminar, Atlanta, GA	December 2008
•	World Trade Organization, Annual Forum	September 2008
•	International Municipal Lawyers Association; Washington, DC	May 2008
•	Council of State Governments, San Juan, PR	June 2007
•	National Association of Attorneys General; Washington, DC	May 2007
•	National Association of Counties, Agriculture and Rural Affairs Steering Committee	March 2006
•	Legislative Agricultural Chairs Summit; Tempe, AZ	January 2006

#### Testimony at state-level hearings - federalism and the impact of trade agreements on state or provincial law

•	Vermont International Trade Commission; Montpelier, VT	February 2011
•	Vermont International Trade Commission; Montpelier, VT	April 2010
•	California Energy Commission	May 2007
•	Vermont Commission on International Trade	May 2007
•	California Senate, Committee on Business, Professions and Economic Development	January 2006
•	U.S. Senate, Committee on Homeland Security and Governmental Affairs	July 2005
•	New Jersey Senate, Subcommittee on Casinos and Historic Preservation	February 2005

#### Seminar and Conference Presentations

•	Consortium for Sweatfree Purchasing – state preemption of labor standards for procurement	May 2011
•	School Food Focus – geographic preference for procurement	June 2011
•	Georgetown Reflective Engagement Workshop – living wage standards	February 2011
•	Forum on Democracy and Trade – international regulation of services	June 2010
•	American Society of International Law - policy update on international economic law	March 2010
•	National Regulatory Research Institute – regulating in the public interest	February 2010



#### SEAN MICHAEL FIIL FLYNN

sflynn@wcl.american.edu (o) 202-274-4157 (cell) 202-294-5749

American University Washington College of Law

Professorial Lecturer in Residence, 2008-present

Associate Director, Program on Information Justice and Intellectual Property, 2006-present Courses Taught:

- International Patent Law (WIPO Academy, Sao Paulo, Brazil, September 2011)
- Advanced International Intellectual Property (Summer 2011)
- Intellectual Property and Access to Medicines (Summer 2010)
- Intellectual Property, Human Rights & Development (2006-2010)
- Intellectual Property and Healthcare (Summer 2009)
- Human Rights & Access to Medicine (University of Pretoria 2007-2010)
- Intellectual Property and Access to Medicine in Eastern Europe and Central Asia (National Ukrainian University Mohyla Academy 2009)

#### Grants and Awards:

- Global Expert Network on Copyright Limitations and Exceptions in National Legal Reform, Open Society Foundation (2011)
- Global Expert Network on Copyright Limitations and Exceptions in National Legal Reform, Google Inc. (2011)
- Strengthening the Knowledge Base for Public Interest Intellectual Property Policy, IDRC (2011)
- Public Interest Analysis of International Intellectual Property Policy, Google Inc. (2011)
- Public Interest Review of International Intellectual Property Enforcement Agenda, Google Inc. (with Peter Jaszi 2010)
- Human Rights and Intellectual Property Legal Education Initiative, Open Society Institute (2007-2010)
- International Copyright Flexibilities and Documentary Film, Ford Foundation (with Peter Jaszi 2008-09)
- Prescription Access Litigation & Policy Advising, NLARx, Community Catalyst, Prescription Policy Choices (2006-2010)
- Prescription Drugs and Trade, Forum on Democracy and Trade (2006-2011)
- 2010 Coach, Patent Law Moot Court Team, placed 2<sup>nd</sup> in the nation

Collaborative Research Media Piracy Project, SSRC/Ford Foundation/IDRC 2008-2010.

#### **EDUCATION**

HARVARD LAW SCHOOL, J.D., magna cum laude, 1999

#### Honors:

Hankin Fund General University Scholar Frederick Sheldon Traveling Fellowship

Irving Kaufman Fellowship

J. William Fulbright Foreign Scholarship (post-graduation)

#### Activities:

Board of Student Advisors; Instructor, Legal Argument and Reasoning

Research Assistant, Professor Lucie White Founder, Project on Law and Organizing

PITZER COLLEGE, B.A., honors, Political Studies, 1992

## SELECTED PUBLICATIONS

Public Interest Analysis of the US Trans Pacific Partnership Proposal for an IP Chapter, PIJIP Research Paper Series. Paper 21. http://digitalcommons.wcl.american.edu/research/21 (with Margot Kaminski, Brook Baker and Jimmy Koo).

ACTA and Access to Medicines, Commissioned Paper by the EU Parliament (forthcoming 2011), draft available at http://tinyurl.com/6hzkfbg

ACTA's Constitutional Problem, 26 AUILR 903 (2011), available at http://www.auilr.org/pdf/26/26.3.10.pdf

Networked Governance and the USTR, in MEDIA PIRACY IN EMERGING ECONOMIES (2011)

Using Competition Law to Promote Access to Knowledge, in ACCESS TO KNOWLEDGE IN THE AGE OF INTELLECTUAL PROPERTY (Amy Kapczynski and Gaelle Kirkorian, eds., MIT Press 2011).

Special 301 of the Trade Act of 1974 and Access to Medicine, 7 JOURNAL OF GENERIC MEDICINE 309 (2010).

An Economic Justification for Open Access to Essential Medicine Patents in Developing Countries, 37 J. L. MED. & ETHICS 184 (2009) (with Aidan Hollis & Mike Palmedo)

UNTOLD STORIES IN SOUTH AFRICA: THE CREATIVE CONSEQUENCES OF THE CLEARANCE CULTURE FOR DOCUMENTARY FILMMAKERS, PROGRAM ON INFORMATION JUSTICE AND INTELLECTUAL PROPERTY (2009)

The Constitutionality of State Regulation of Prescription Data Mining, BNA PHARM. L. & INDUS. REP. (2007)

Who's Afraid of Competition? The Latest Assaults on Municipal Provision of Broadband Services and the Competitive Ideals of the Communications Act. 13 J. Mun. Telecom. Pol. 6 (2006)

Dispelling Myths: A Real World Perspective on Trinko, 50 ANTITRUST BULL. 589 (2006) (with Robert Jablon & Mark Hegedus)

Brand X and the New Agency Kings, 46 Mun. Lawyer 6 (2005) (with Tim Lay)

Verizon Communications v. Trinko: The Message for Cities is Caution, 45 Mun. LAW. 18 (2005) (with Robert Jablon & Mark Hegedus)

Democratizing the Regulation and Governance of Water in the U.S., in RECLAIMING PUBLIC WATER: ACHIEVEMENTS, STRUGGLES AND VISIONS FROM AROUND THE WORLD (2005).

Constitutional Issues and the Right to Water, in THE AGE OF COMMODITY: WATER PRIVATIZATION IN SOUTHERN AFRICA (David A. McDonald & Greg Ruiters eds., 2004)

#### ELLEN R. SHAFFER PhD MPH

# 1915 Fourteenth Ave., San Francisco, California 94116-1336 phone: home 415-661-1352 work (415) 922-6204 fax: (415) 885-4091

email: ershaffer@gmail.com

#### **WORK EXPERIENCE**

**CO-DIRECTOR,** Center for Policy Analysis. The Center conducts research, policy analysis and advocacy on health care access and on the impact of international trade agreements on population health, and on access to vital human services including water. April 2002-present.

- EQUAL (Equitable, Quality, Universal, Affordable) Health Care develops and tracks proposals to expand access to affordable health care. Website: http://www.centerforpolicyanalysis.org/
  Selected activities 2008-2010:
  - Analysis of legislative proposals
    - ERISA and health reform
    - Affordability
  - o Publications: Huffington Post, Salon
  - o Established EQUAL listserve for policymakers, advocates, media
  - o Community forums and presentations to groups: public health, women, nurses, physicians, seniors, League of Women Voters
- The <u>Center for Policy Analysis on Trade and Health (CPATH)</u> is a leading public health voice and a key resource for policymakers on global trade. Website: www.cpath.org Selected publications and testimony:
  - o Invited Congressional testimony to House Ways and Means on trade advisory committees, 2009 and 2010
  - o CAFTA and access to medicines, Health Affairs, 2009
  - o Trade and public health, American Journal of Public Health, 2005
  - o Tobacco control and trade, Tobacco Control, 2005

**ASSISTANT CLINICAL PROFESSOR,** Department of Clinical Pharmacy, University of California, San Francisco (without salary). April, 2001 to present.

**PROFESSOR, International Honors Program, Boston University.** Developed and presented curriculum on Globalization and Health through semester abroad program for U.S. undergraduates studying in India, China and South Africa. January to May, 2006.

CONSULTANT, Washington, D.C. and San Francisco. 1995 to 2002. Researched, analyzed and commented on the financing, organization, and outcomes of health care services. Prepared reports and educational programs for publication and for distribution to clients and the public on health care trends including reimbursement policy, community public health interventions, managed care, access, quality of care, inequality, patient protection, immigration, mental health, and workforce issues. Selected clients and projects:

- California Health and Human Services Agency. Author, California Health Service Plan, Health Care Options Project, April 2002.
- March of Dimes. Report: State Policies on Neonatal Intensive Care Units, March 2002.
- Health Works Project. Initiated and conducted research to identify uninsured union members, immigrants, and other residents, and developed programs to expand health care coverage. March 2000 to March 2002.

Ellen R. Shaffer

• U.S. Agency for Health Care Research and Quality. Research on special needs children and managed care, 1998.

• Coalition for Health Care Choice and Accountability. Wrote original patient protection legislation, secured sponsor in U.S. Congress, led advocacy activities. 1995 to 1998.

**LEGISLATIVE ASSISTANT, U.S. Senator Paul Wellstone**, Washington, D.C. Senior health policy advisor. Analyzed and initiated legislation on health care issues. Assisted in drafting national health care reform legislation, prepared amendments to health reform legislation presented in Labor and Human Resources Committee of the U.S. Senate. Staff coordinator for Senate Working Group on Mental Health. Worked extensively with full range of constituencies concerned with health care. Monitored issues related to pensions. Extensive writing and public speaking. January 1992 - January 1995.

**SENIOR RESEARCH ANALYST FOR EMPLOYEE BENEFITS, Service Employees International Union**, Washington, D.C. Analyzed and advised local unions regarding health and pension plans, initiated and coordinated related studies such as impact of new accounting rules on retiree health care, prepared and presented trainings, supervised Research Assistants. October 1989, to January 1992.

#### **EDUCATION**

Ph.D., Johns Hopkins University School of Hygiene and Public Health, Department of Health Policy and Management. May, 2001.

Certified Employee Benefits Specialist, International Foundation of Employee Benefit Plans and the Wharton School. April, 1993.

Masters in Public Health, University of California, Berkeley. May, 1986.

Brandeis University, Waltham, Massachusetts. 1967 to 1969.

#### **PUBLICATIONS**

Shaffer, ER and JE Brenner. A trade agreement's impact on access to generic drugs. *Health Affairs*, Web Exclusive. Aug. 25, 2009. w957-w967.

Shaffer, ER. Book Review. A dictionary of public health. *Journal of Epidemiology and Community Health* 2008;62:471-472.

Shaffer, ER, H Waitzkin, J Brenner, R Jasso-Aguilar. Global Trade and Public Health. In: *Readings in Global Health*. Omar A. Kahn, MD PH, Editor. APHA Press. June 1, 2008.

Letter to the Editor, New York Times, December 23, 2007

Shaffer, ER, JE Brenner and TPHouston. International trade agreements: a threat to tobacco control policy. *Tobacco Control* 2005;14;19-25.

Shaffer, ER, H Waitzkin, J Brenner, R Jasso-Aguilar. Global Trade and Public Health. *American Journal of Public Health.* January, 2005.

#### **Irland CV** Feb. 2012

### Lloyd C. Irland

President The Irland Group 174 Lord Road Wayne, Maine 04284

Birthdate: November 4, 1946 Chicago, Illinois

Married, 4 Children 4 grandchildren

Wayne home and office

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#### **EMPLOYMENT**

January 1987 to	present <u>Founder and President, The Irland Group</u> . Forestry, Economics, and  Marketing Consulting Firm. (Published <i>Eastern Quotes &amp; Comments</i> and <i>Engineered Lumber Trends</i> until Summer 2002).
Fall 2003-2010	Lecturer and Senior research Scientist, Yale School of Forestry & Environmental Studies (fall term) (appointment ended June 2011)
March 2008	Fulbright Senior Specialist Program, lecture and study trip to Ukraine, National Agr. Univ., Kyiv, and National Forestry University, Lviv.
June, July 2006	Visiting Research Professor, ENGREF, Nancy, France
1981-1986	State Economist, State Planning Office. Participated in a ten-year state economic forecast project, and prepared a detailed study of natural resources in Maine's economy. Carried out staff studies for Governor's Blue Ribbon Commission on Education.
1979-1981	<u>Director, Maine Bureau of Public Lands</u> . Responsible for management of 250,000 forested acres, plus tidelands and islands.
1976-1979	<u>Forest Insect Manager, Maine Forest Service</u> . Responsible for all spruce budworm control programs, including spraying, research, and environmental monitoring.

Assistant Professor, Yale School of Forestry and Environmental Studies.

1973-1976

#### Irland CV Feb. 2012

1972-1973 <u>Associate Economist, US Forest Service</u>, New Orleans, Louisiana, Southern

Forest Experiment Station.

Fall, 1968 & Staff Economist, Chicago Board of Trade. Conducted feasibility studies for Summer, 1970 a futures market in plywood.

#### **EDUCATION**

Bachelor of Science, Michigan State University, 1967. Master of Science, University of Arizona, 1968. Ph.D. Yale University, 1973.

#### **MILITARY**

US Army, enlisted ranks, 1968-1970. Served in Vietnam.

#### **AWARDS AND RECOGNITION**

- Received Distinguished Service Award, New England SAF, 1997.
- Elected Fellow of the Society of American Foresters, 1997.
- Fulbright Senior Scholar roster, Dec. 2007. Visit to Ukraine, March, 2008.

#### PROFESSIONAL ACTIVITIES AND GROUPS

- Registered Professional Forester in the State of Maine (#187).
- Member, American Economic Association.
- Member, Association of Consulting Foresters.
- Member, American Association for the Advancement of Science.
- Member, Society of American Foresters.
- Chairman, Economics, Policy, and Law Working Group, Society of American Foresters, 1985-1986.
- Member, SAF National Task Force on Federal Forest Taxation, 1985-1987.
- Member, SAF Policy Committee, January 1990 to December 1992.
- Chair, Maine Division, New England Society of American Foresters, 1992.
- Member, SAF National Convention Program Committee, 1992-1995.
- Member, SAF Accreditation for Oregon State University, 2011.

#### MATTHEW C. PORTERFIELD

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#### **Experience**

#### Georgetown University Law Center, Washington, D.C.

1996 to present

Senior Fellow and Adjunct Professor at the Harrison Institute for Public Law (1998-present); Teaching Fellow (1996-98). Responsibilities include -

- Supervising second and third year law students in 14 credit year-long clinical program
- Teaching clinical seminars
- Advising government officials and nongovernmental organizations on a wide range of trade and investment policy issues

#### Law Offices of Edward Lee Rogers, Washington, D.C.

1990 to 1996

Represented nonprofit organizations on federal, state and local environmental and land use issues

#### Greenpeace, Washington, D.C.

May - August 1989

 Drafted legislation on pesticide exports; monitored congressional hearings; researched and drafted memoranda on EPA enforcement policies

#### **Education**

#### LL.M., Georgetown University Law Center, Washington, D.C.

May 1998

#### J.D., Magna cum laude, Vermont Law School, South Royalton, VT

May 1990

- Class Rank: 7/137
- Vermont Law Review Head Notes Editor (1989-1990); staff (1988-1989)
- Vermont Law School Scholar Award
- American Jurisprudence Award: Constitutional Law
- American Jurisprudence Award: Contracts
- Member: Environmental Law Society

#### B.A., University of Vermont, Burlington, VT

May 1986

• English Major with Coordinate Major in Environmental Studies

#### **Committee Memberships and Bar Admissions**

- Member, Subcommittee on the Model Bilateral Investment Treaty of the State Department Advisory Committee on International Economic Policy (2009 and 2004)
- U.S. Supreme Court (2000)
- District of Columbia (1992)
  - o Member, International Law Section
- Connecticut (1990)

#### **Publications**

State Practice and the (Purported) Customary International Law Prohibition on Uncompensated Regulatory Expropriation, 37 NORTH CAROLINA JOURNAL OF INT'L LAW & COMMERCIAL REG. \_\_\_\_ (forthcoming – fall 2011)

Philip Morris v. Uruguay: Will Investor-State Arbitration Send Restrictions on Tobacco Marketing up in Smoke? INVESTMENT TREATY NEWS QUARTERLY (with Christopher Byrnes; forthcoming – summer 2011)

Approaches to Limiting or Eliminating ICSID's Jurisdiction over International Investment Claims (International Institute for Sustainable Development, Nov. 2009)

U.S. Farm Subsidies and the Expiration of the WTO's Peace Clause, 27 U. PA. J. INT'L ECON. L. 999 (2007)

An International Common Law of Investor Rights? 27 U. PA. J. INT'L ECON. L. 79 (2006)

International Expropriation Rules and Federalism, 23 STANFORD ENVT'L L. J. 3 (2004)

Who Preempted the Massachusetts Burma Law? Federalism & Political Accountability under Global Trade Rules, 31 PUBLIUS: THE JOURNAL OF FEDERALISM 1 (Fall 2001, with Robert Stumberg)

The Massachusetts Burma Law Decision, Obstacle Preemption, and the Role of International Trade Disputes in Challenges to State and Local Laws, MUNICIPAL LAWYER at 18 (September/October 2000)

State and Local Foreign Policy Initiatives and Free Speech: The First Amendment as an Instrument of Federalism, 35 STANFORD J. INT'L L. 1 (1999)

Rippling Puddles, Small Handles and Links of Chain: The Scope of Environmental Review for Army Corps of Engineers Permit Decisions, 10 Tulane Envt'l L.J. 31 (1996)

Public Citizen v. Office of the United States Trade Representative: The (Con)fusion of Standing and the Merits under NEPA, 19 HARVARD ENVT'L L. REV. 157 (1995)

Agency Action, Finality and Geographical Nexus: Judicial Review of Agency Compliance with NEPA's Programmatic Environmental Impact Statement after Lujan v. National Wildlife Federation, 28 U. RICHMOND L. REV. 619 (1994)

#### **Selected Presentations**

Panelist, Congressional Staff Briefing, Investment Provisions of U.S. Free Trade Agreements (January 2011)

Panelist, Congressional Staff Briefing, FTA Investment Chapters: Korea-U.S. FTA and Beyond (July 2010)

Panelist, Senate Staff Briefing, U.S. Investment Treaties and the Public Interest: U.S.-China Negotiations, the Administration's Review of the Bilateral Investment Treaty Program and the Implications for Labor, Environment, Democracy and Development (December 2009)

Panelist, Third Annual Forum of Developing Country Investment Negotiators, "Developing Countries and New Directions in International Investment Law," Quito, Ecuador (November 2009)

Panelist, Local Food Procurement Preferences, Community Food Security Coalition Conference, Baltimore, MD (March 2007)

Presenter, U.S. Farm Subsidies and the WTO: Implications for U.S. Wheat Producers, National Association of Wheat Growers and U.S. Wheat Associates Annual Meeting, Washington, DC (January 2007)

Presenter, U.S. Farm Subsidies and the Expiration of the WTO's Peace Clause, U.S. Agricultural Export Development Council, Baltimore, MD (November 2006)

Panelist, Congressional Staff Briefing, Local Food Systems, Washington, DC (June 2006)

Panelist, *The WTO and Agricultural Subsidies*, Trade Policy Leadership Seminar, National Conference of State Legislators Fall Forum, Chicago, Ill. (*December 2005*)

Panelist, Forum on Democracy and Trade National Leadership Retreat, Pocantico Conference Center, Tarrytown, New York (April 2005)

Presenter, International Investment Roundtable, Georgetown University Law Center, Washington, DC (March 2005)

Participant, Experts Meeting on Draft Model International Investment Agreement for Sustainable Development, The Hague, Netherlands (January 2005)